

IAP13 Rec'd PCT/PTO 10 OCT 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 10 2006

In re PATENT application of:

WERLING) Conf. No.: 9831
Serial No: 10/566,866)
Filed: February 2, 2006) Art Unit: Unassigned
Title: Antigen Delivery System) Examiner: To be Assigned
Docket No: E072 1070.1(50718.0008.5)

CERTIFICATE OF FACSIMILE TRANSMISSION

Fax to : 571-273-8300
Mail Stop: Missing Parts
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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U.S. Patent and Trademark Office on the date shown below.

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Transmittal Form (1org + 1 copy)	= 2 pages
Reply to Notification of Missing Parts Requirement Under 35 U.S.C. 371 in the United States	
Designated/Elected Office (1org + 1 copy) =	2 pages
Fee Transmittal - (1org + 1 copy) =	2 pages
Petition for 1 Month Extension of Time (1org + 1 copy) =	2 pages
Copy of Notification	2 pages
Declaration	2 pages

Total number of pages = 14 pages including this cover page

October 10, 2006
Date

Donnie S. Dietrich
(Printed Name of Person Faxing Corresp.)

Donnie S. Dietrich
(Signature of Person Faxing Corresp.)

WCSR 3451802v1

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PTO/SB/21 (09-06)

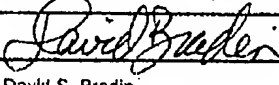
Approved for use through 03/31/2007. OMB 0651-0031

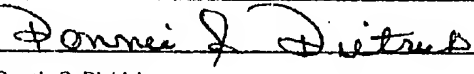
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/568,866
	Filing Date	February 2, 2006
	First Named Inventor	WERLING
	Art Unit	Unassigned
	Examiner Name	Unassigned
	Attorney Docket Number	E072 1070.1 (50718.0008.5)
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Womble Carlyle Sandridge & Rice, PLLC (Customer No. 26158)	
Signature		
Printed name	David S. Bradin	
Date	October 10, 2006	Reg. No. 37,783

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Donnie S. Dietrich	Date October 10, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 10 2006

Atty. Dkt. No.: E072 1070.1 (50718.0008.5)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Dirk WERLING.
Serial No.: 10/566,866
Filed: February 2, 2006

Conf. No.: 9180
Examiner: To be assigned
Art Unit: To be Assigned

For: ANTIGEN DELIVERY SYSTEM

REPLY TO NOTIFICATION OF MISSING REQUIREMENT UNDER 35 U.S.C. 371 IN
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In Reply to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) recently received from your offices, enclosed is the declaration of the sole-inventor, for the above-captioned application. Applicants submit a copy of the Notice and the missing parts requested and a Fee Transmittal authorizing the required fees to be charged to the deposit account of Applicants' representative.

It is believed that the foregoing and the enclosed provide a full and complete Reply to the Notice. The Examiner is invited to contact the undersigned at (919) 484-2382 regarding any question concerning this submission.

Respectfully submitted,

Date: 10/07/06

By: David S. Bradin
David S. Bradin
Reg. No. 37,783
Attorney for Applicants

Attorney Docket No. E072.1070.1. (50718.0008.5)

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
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Atlanta, Georgia 30357-0037
Telephone: (919) 484.2382
Facsimile: (919) 484-2084
Customer No.: 26158

WCSR 3451706v1

OCT 10 2006

FEE TRANSMITTAL for FY 2003		<i>Complete if Known</i>	
<small>Patent fees are subject to annual revision.</small>		Application Number	10/566,866
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	02/02/2006
		First Named Inventor	WERLING
		Examiner Name	To Be Assigned
		Group Art Unit	To Be Assigned
TOTAL AMOUNT OF PAYMENT (\$) 240.00		New Attorney Docket No.	E072 1070.1 (50718.0008.5)

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																															
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ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>130.00</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1012</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td>110.00</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2010</td> <td>2255</td> <td>1005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to Institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>1808</td> <td>180</td> <td>1808</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="6" style="padding: 5px;">Other fee (specify) _____</td> </tr> <tr> <td colspan="5" style="padding: 5px;">*Reduced by Basic Filing Fee Paid</td> <td style="padding: 5px;">SUBTOTAL (3) (\$) 240.00</td> </tr> </tbody> </table>		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath	130.00	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.		1053	130	1053	130	Non-English specification		1012	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month	110.00	1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2010	2255	1005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to Institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1808	180	1808	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application		Other fee (specify) _____						*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$) 240.00
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SUBMITTED BY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name (Print/Type)</td> <td style="width: 25%;">David S. Bradin</td> <td style="width: 15%;">Registration No. (Attorney/Agent)</td> <td style="width: 10%;">37,783</td> <td style="width: 10%;">Telephone</td> <td style="width: 10%;">1,919,484,2382</td> </tr> <tr> <td>Signature</td> <td colspan="2"><i>David Bradin</i></td> <td>Date</td> <td colspan="2">October 10, 2006</td> </tr> </table>		Name (Print/Type)	David S. Bradin	Registration No. (Attorney/Agent)	37,783	Telephone	1,919,484,2382	Signature	<i>David Bradin</i>		Date	October 10, 2006		<i>** or number previously paid, if greater; For Reissues, see above</i>																																																																																																																																																																																			
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WCSR 3451742V1

OCT 10 2006

Page 1 of 2



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,866	Dirk Werling	ERP02002APC

INTERNATIONAL APPLICATION NO.

PCT/GB04/03386

I.A. FILING DATE	PRIORITY DATE
08/05/2004	08/05/2003

20995

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2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

CONFIRMATION NO. 9180

371 FORMALITIES LETTER



OC000000019669564

Date Mailed: 07/19/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/02/2006
- Copy of the International Search Report filed on 02/02/2006
- Biochemical Sequence Diskette filed on 02/02/2006
- Biochemical Sequence Listing filed on 02/02/2006
- U.S. Basic National Fees filed on 02/02/2006
- Specification filed on 02/02/2006
- Claims filed on 02/02/2006
- Abstracts filed on 02/02/2006
- Drawings filed on 02/02/2006
- Paper nucleotide sequence listings filed on 02/02/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

10/16/2006 MKAYPAGH 00000123 090528 10566866

01 FC:1617 130.00 DA

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,866	PCT/GB04/03386	ERP02002APC

FORM PCT/DO/EO/905 (371 Formalities Notice)

**WOMBLE
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& RICE**

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OCT 10 2006

David S. Bradin

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FACSIMILE

October 10, 2006

Number of Pages: **14**

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Please see attached.

Thank you,

David S. Bradin

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